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PRACTICE LIMITED TO MATTERS BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

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Ms. Donna R. Searcy
Secretary
The Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: Petition to Amend the FM Table of Allotments (73.202(b))
Islesboro Broadcasting Company, Petitioner
Islesboro, Maine

Dear Ms. Searcy:

Transmitted herewith, on behalf of Islesboro Broadcasting Company, is an original and four (4) copies of a "Petition to Amend the FM Table of Allotments."

Islesboro Broadcasting Company requests FCC consideration of the allotment of Channel 238-B1 to Islesboro, Maine as that community's first, local FM service. Islesboro will apply for the new channel, if allotted, and if awarded the construction permit, will promptly construct the new facility.

Should any questions arise regarding this matter, please contact the undersigned, directly.

Respectfully submitted,

By: 

Richard J. Hayes, Jr., Esq.
Counsel to: Islesboro
Broadcasting Company

RJH:lss
Enclosure

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of:

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
Islesboro, Maine

)
)
)
)

BC Docket No. _____
FM No. _____

TO: Chief, Allocations Branch

PETITION FOR RULE MAKING

Comes now, Islesboro Broadcasting Company, through counsel, and pursuant to the provisions of Section 1.401 and Section 1.420 of the Commission's Rules (47 C.F.R. 1.401), requesting that the Table of Allotments in Section 73.202(b) of the Federal Communications Commission's Rules and Regulations be amended.

Islesboro Broadcasting Company hereby requests that the FM Table of Allotments in Section 73.202(b) be amended to include a new, first broadcast service at Islesboro, Maine on Channel 288-B1. Islesboro Broadcasting Company seeks that the FM Table of Allotments be amended, as follows:

Location	Present	Proposed
Islesboro, Maine	---	288-B1

There are compelling, public interest justifications for granting this rule making, and in support thereof, the following is shown:

I. PRELIMINARY STATEMENT

A. First, Local Broadcast Service

The purpose of this request is to provide a much needed, first, local broadcast service to the community of Islesboro, Maine. At present, Islesboro, Maine does not enjoy the service of either an AM or FM facility within its community. The Petitioner proposes that the Commission amend the FM Table of Allotments to allot Channel 288-B1 to Islesboro, Maine as that community's first, local, FM broadcast service.

B. Efficient Utilization of FM Spectrum

Such an amendment of the FM Table of Allotments would further the Commission's goal of providing a more efficient use of the FM Spectrum by providing a first, local FM broadcast service at Islesboro, Maine. The Amendment of Section 73.202(b) of the Commission's rules to include Channel 288-B1 at Islesboro, Maine, would provide coverage to a substantial area and population. The community of Islesboro, Maine has a full-time population of 570 persons based upon the 1990 U.S. Census data and a seasonal population of over 2,000 persons. According to the attached "Engineering Exhibit," a new FM broadcast facility at Islesboro, Maine would provide service to 61,088 persons in an area of 4,800 square

kilometers. Obviously, a first broadcast service at Islesboro, Maine would be an efficient utilization of scarce FM broadcast channel resources and would provide service to an isolated island community. Certainly, the citizens of Islesboro and, additionally, those citizens on other isolated islands in the predicted 1 mV/m contour of the proposed facility, would benefit from a first, full time, local FM broadcast service. No other person or community has expressed any interest in this channel at Islesboro, Maine.

C. Islesboro is a "Community" for Allotment Purposes

Islesboro, Maine is an island community located in Penobscot Bay on Maine's "mid-coast." Although physically separated from the mainland, it enjoys daily passenger and vehicle ferry service from Lincolnville, Maine. This ferry service is provided throughout the year.

Islesboro's residents have a separate and independent form of government. The full-time town manager and five elected "selectmen" oversee all administrative responsibilities for the community.

Islesboro operates its own schools (grammar and secondary), a fire department, library and post office. There are two "lodging" establishments and some twenty-five businesses. Although the full-time population is 570, the seasonal population swells to over 2,000.

II. ENGINEERING CONSIDERATIONS

A. Substantial Area to Receive Additional Service

Petitioner's engineering exhibit, as attached, provides an analysis of a complete search of the FM band. That study concludes that Channel 288-B1 would provide city-grade coverage to Islesboro, Maine. Channel 288-B1 could be allotted, consistent with the mileage separation and city-grade service requirements of the Commission's rules. The consideration of all factors shows that this proposal can be accommodated and that Channel 288-B1 can be added to the FM Table of Allotments at Islesboro, Maine without jeopardizing any other community or facility. No community would lose any present or potential service and a substantial area of service would be added if this proposed allocation is granted.

III. PETITIONER'S INTENTION TO APPLY FOR CHANNEL 288-B1

If these proposed changes are implemented by the Commission, the Petitioner intends, pursuant to the rules of the Commission, to file an application for a construction permit, and if awarded the permit, to promptly construct the facility. Financially, the Petitioner is qualified to construct and operate the facility sought.

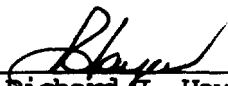
IV. SUMMARY

No community will lose any present or proposed service as a result of a grant of this "Petition for Rule Making" and, furthermore, a substantial new area of service will be added. As indicated above, a grant of this "Petition" will provide a much needed, first, local broadcast service to

Islesboro, Maine. This "Petition" would, if granted, provide for an efficient utilization of broadcast resources.

Therefore, in view of the foregoing facts, Petitioner requests that the FM Table of Allotments (Section 73.202(b)) be amended to allot FM Channel 288-B1 to Islesboro, Maine.

Respectfully submitted,
ISLESBORO BROADCASTING COMPANY

By: 
Richard J. Hayes, Jr., Esquire
Its Attorney

Date: May 4, 1993

Richard J. Hayes, Jr., Esq.
13809 Black Meadow Road
Spotsylvania, Virginia 22553
(703) 972-2690

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON D.C. 20554

In the Matter of:

Amendment of Section 73.202(b))	
Table of Allotments)	MM Docket No. _____
FM Broadcast Stations)	FM No. _____
Islesboro, Maine)	

NOTICE OF PROPOSED RULE MAKING

Adopted:

Released:

By the Chief, Policy and Rules Division:

1. The Commission has before it for consideration the "Petition for Rule Making," submitted by Islesboro Broadcasting Company requesting the allotment of Channel 288-B1 to Islesboro, Maine.

2. Channel 288-B1 can be allotted to Islesboro, Maine in compliance with the Commission's minimum distance separation requirements, as evidenced in the attached engineering statement. Petitioner states that the public interest would benefit from the allotment of this channel as it could provide Islesboro with its first, local, broadcast service.

3. In order to effectuate this proposal, the Commission proposes to amend the Table of Allotments, Section 73.202(b) of the Commission's Rules with respect to the following community:

	Present	Proposed
Islesboro, Maine	--	288-B1

Notice of Proposed Rule Making
Page Two

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing by reference herein.

NOTE: A showing of continuing interest is required by paragraph 2 of the appendix before a channel will be assigned.

5. Interested parties may file comments on or before _____, and "Reply Comments" on or before _____, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such "Comments" should be served on the Petitioner, as follows:

Richard J. Hayes, Jr., Esquire
Attorney at Law
13809 Black Meadow Road
Spotsylvania, Virginia 22553
Counsel to Islesboro Broadcasting Company

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, Section 73.202(b), of the Commission's Rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 Fed. Reg. 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact _____, Mass Media Bureau (telephone) (202) _____. However, members of the public should note that from the time a "Notice of Proposed Rule Making" is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. An ex parte contact is a message (spoken or written) officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the Petitioner constitutes an ex parte presentation and shall not be considered in the proceeding. Any "Reply Comment" which has not been served on the person(s) who filed the "Comment," to which the reply is directed, constitutes an ex parte presentation and shall not be considered in the proceeding.

FEDERAL COMMUNICATIONS COMMISSION

Chief, Policy and Rules Division
Mass Media Bureau

Attachment: Appendix

_____, 1993



OWL ENGINEERING, INC.

CONSULTING COMMUNICATIONS ENGINEERS

1306 W. County Road F, St. Paul, MN 55112
(612) 631-1338 • Fax (612) 631-3502

**ENGINEERING STATEMENT ON BEHALF OF
ISLESBORO COMMUNITY BROADCASTING COMPANY
IN SUPPORT OF A PETITION TO AMEND
THE FM TABLE OF ALLOTMENTS
CHANNEL 288B1 TO ISLESBORO, MAINE**

April 2, 1993

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IN SUPPORT OF A PETITION TO AMEND
THE FM TABLE OF ALLOTMENTS
CHANNEL 288B1 TO ISLESBORO, MAINE**

Owl Engineering, Inc. has been retained by Islesboro Community Broadcasting Company (hereafter ICBC) to prepare this Engineering Statement in support of a petition to amend the FM Table of Allotments, FCC Rules Section 73.202(b) as follows:

Location
Islesboro, ME

Present

Proposed
288B1

The reference coordinates used for this study are:

44 09' 31" North Latitude
68 53' 03" West Longitude

A maximized Class B1 facility operating from the proposed site coordinates will provide 60 dBu (1 mV/m) signal coverage to a population of 61,088 persons encompassed by an area of approximately 4,800 square kilometers. The Islesboro Chamber of Commerce claims a population of 570 persons based on 1990 U.S. Census data.

The proposal of ICBC was evaluated to determine if the proposed site coordinates would meet FCC spacing requirements. That analysis is attached as Engineering Exhibit E-1. As can be seen from exhibit E-1, ICBC's proposal meets all FCC spacing requirements set forth in section 73.207 of the FCC Rules. The reference coordinates proposed by ICBC represent a 16.7 kilometer site restriction to the south of Islesboro.



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IN SUPPORT OF A PETITION TO AMEND
THE FM TABLE OF ALLOTMENTS
CHANNEL 288B1 TO ISLESBORO, MAINE**

The proposal of ICBC was evaluated to determine if the proposed site would meet FCC signal coverage requirements. The distance from the reference coordinates to the city of Islesboro is 16.7 kilometers at a bearing 354.6 degrees. The three to sixteen kilometer average terrain was computed using the NGDC data base and the distance to contours was computed using the FCC F(50,50) metric curves. The distance to the 70 dBu contour along the radial through the principle city was calculated to be 23.4 kilometers, surpassing the city by some 6 kilometers. Clearly, the proposal of ICBC meets the requirements of FCC Rules section 73.315.

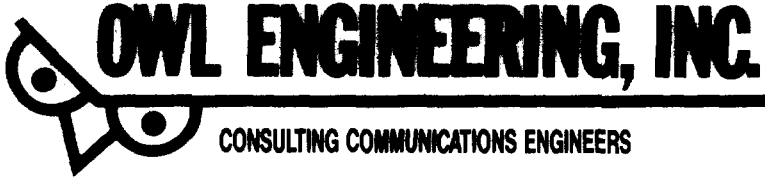


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IN SUPPORT OF A PETITION TO AMEND
THE FM TABLE OF ALLOTMENTS
CHANNEL 288B1 TO ISLESBORO, MAINE**

Based on the engineering studies provided, the following conclusions can be obtained:

1. The proposal will provide Islesboro with a full time regional broadcast service.
2. The proposal will meet the requirements of FCC Rules Section 73.315.
3. The proposal will meet the requirements of FCC Rules Section 73.207.



CONSULTING COMMUNICATIONS ENGINEERS

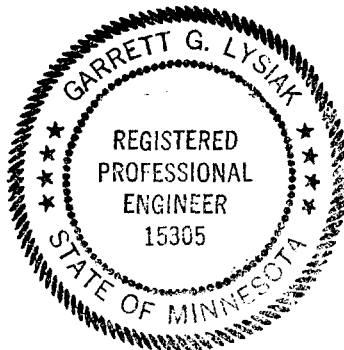
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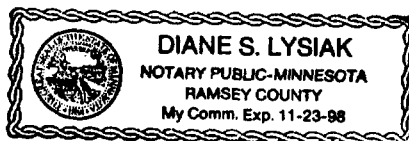
RAMSEY COUNTY)
)
STATE OF MINNESOTA) ss:

Garrett G. Lysiak, being first duly sworn, says that he is president of Owl Engineering, Inc., consulting communications engineers with offices in Arden Hills, Minnesota; that his qualifications as an expert in communications engineering are a matter of record with the Federal Communications Commission; that the foregoing exhibit was prepared by him and under his direction; and that the statements contained therein are true of his own personal knowledge except those stated to information and belief and, as to those statements, verily believes them to be true and correct.



Garrett G. Lysiak
Garrett G. Lysiak, P.E.

Subscribed and sworn to before me this date April 2, 1993



Diane S. Lysiak
Diane S. Lysiak
Notary Public

My commission expires November 23, 1998



CONSULTING COMMUNICATIONS ENGINEERS

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**ENGINEERING EXHIBIT E-1
ISLESBORO COMMUNITY BROADCASTING COMPANY
IN SUPPORT OF A PETITION TO AMEND
THE FM TABLE OF ALLOTMENTS
CHANNEL 288B1 TO ISLESBORO, MAINE**

FM Channel 288-B1

LATITUDE: 44° 9' 31"
LONGITUDE: 68° 53' 3"

CHNL	Call	City	Class	Calculated Km.	Required Km.	Clear- ance	Bearing °
234							
		NO CONFLICT					
235							
		NO CONFLICT					
285							
		NO CONFLICT					
286							
		NO CONFLICT					
287							
		NO CONFLICT					
288		FRQU Thetford Mines	B	232.18	223	9.18	337.56
289		FAME Lincoln	C2	134.94	134	0.94	12.61
289	WHMX	FMME Lincoln	C2	134.94	134	0.94	12.61
290	WKRH	FMME Bath	B	83.87	71	12.87	263.53
290		FAME Bath	B	83.87	71	12.87	263.53
291							
		NO CONFLICT					